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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ROY PHILLIPS,

15 Defendant.

Case No. 2:19-mj-495-BNW

**STIPULATION TO CONTINUE**  
**BENCH TRIAL**

**(First Request)**

16  
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.  
18 Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney,  
19 counsel for the United States of America, and Rene L. Valladares, Federal Public  
20 Defender, and Andrew Wong, Assistant Federal Public Defender, counsel for Roy Phillips, that  
21 the bench trial currently scheduled on July 31, 2019, at the hour of 8:30 a.m., be vacated and  
22 set to a date and time convenient to this Court, but no sooner than sixty (60) days.

23 This Stipulation is entered into for the following reasons:

24 1. Counsel for the defendant needs the additional time to review, investigate, and  
25 discuss the case with Mr. Phillips.

26 2. The defendant is not in custody and does not oppose a continuance.

1           3.       Additionally, denial of this request for continuance could result in a miscarriage  
2 of justice. The additional time requested by this Stipulation is excludable in computing the time  
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
4 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code  
5 §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6           This is the first request for a continuance of the bench trial.

7           DATED this 22<sup>nd</sup> day of July, 2019.

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9           RENE L. VALLADARES  
10          Federal Public Defender

NICHOLAS A. TRUTANICH  
United States Attorney

11          /s/ Andrew Wong  
12 By \_\_\_\_\_

13          ANDREW WONG  
14          Assistant Federal Public Defender

15          /s/ Rachel Kent  
16 By \_\_\_\_\_

17          RACHEL KENT  
18          Assistant United States Attorney  
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1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 ROY PHILLIPS,

7 Defendant.

Case No. 2:19-mj-495-BNW

**FINDINGS OF FACT, CONCLUSIONS**  
**OF LAW AND ORDER**

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10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
12 Court finds that:

13 1. Counsel for the defendant needs the additional time to review, investigate, and  
14 discuss the case with Mr. Phillips.


15 2. The defendant is not in custody and does not oppose a continuance.

16 3. Additionally, denial of this request for continuance could result in a miscarriage  
17 of justice. The additional time requested by this Stipulation is excludable in computing the time  
18 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
19 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code  
20 §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

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The continuance sought herein is excludable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(7)(A), when considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, July 31, 2019 at 8:30 a.m., be vacated and continued to October 2, 2019, at 8:30 a.m.

  
UNITED STATES MAGISTRATE JUDGE